

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CALVIN MALONE,

Plaintiff,

v.

LESLIE SZIEBERT,

Defendant.

CASE NO. C15-5552RBL

ORDER

THIS MATTER is before the Court on Magistrate Judge Christel's Report and Recommendation [Dkt. # 126]. Judge Christel recommends the Court deny Malone's Motion for Summary Judgment [Dkt. # 112], and grant Defendant Sziebert's Motion for Summary Judgment [Dkt. #118]. The Court has also reviewed Malone's Objections [Dkt. # 127] to the R&R.

1. The Report and Recommendation is **ADOPTED**;
2. Malone's Motion for Summary Judgment is **DENIED**;
3. Sziebert's Motion for Summary Judgment is **GRANTED** and Malone's claims are **DISMISSED** with prejudice;
4. Any other pending motions are **DENIED** as moot;
5. Malone is proceeding *in forma pauperis*, and his IFP status **WILL** continue if he appeals;

1 6. The Clerk shall send copies of this Order to the Sziebert's counsel, to Malone's last
2 known address, and to Magistrate Judge Christel.

3 IT IS SO ORDERED.

4 Dated this 15th day of November, 2019.

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7 Ronald B. Leighton
8 United States District Judge
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